

EXHIBIT 26

DECLARATION OF J. CHRISTOPHER CARRAWAY IN SUPPORT
OF DEFENDANT MICROSOFT'S MOTION TO STAY PROCEEDINGS PENDING
COMPLETION OF THE REEXAMINATION OF THE PATENTS-IN-SUIT

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2261 Special Status for Action - 2200 Citation of Prior Art and Ex Parte Reexamination of Patents

2261 Special Status for Action

35 U.S.C. 305 Conduct of reexamination proceedings.

All reexamination proceedings under this section, including any appeal to the Board of Patent Appeals and Interferences, will be conducted with special dispatch within the Office.

In view of the requirement for "special dispatch," reexamination proceedings will be "special" throughout their pendency in the Office. The examiner's first action on the merits should be completed within *1 month* of the filing date of the requester's reply ([37 CFR 1.535](#)), or within *1 month* of the filing date of the patent owner's statement ([37 CFR 1.530](#)) if there is no requester other than the patent owner. If no submissions are made under either [37 CFR 1.530](#) or [37 CFR 1.535](#), the first action on the merits should be completed within *1 month* of any due date for such submission. Mailing of the first action should occur within 6 WEEKS after the appropriate filing or due date of any statement and any reply thereto.

Any cases involved in litigation, whether they are reexamination proceedings or reissue applications, will have priority over all other cases. Reexamination proceedings not involved in litigation will have priority over all other cases except reexaminations or reissues involved in litigation.

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